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TO: Mark A. Fadok, Examiner

FACSIMILE NO.: (571) 273-8300

TELEPHONE NO.:

FROM: Michael E. Dergosits

DATE: February 14, 2006

PAGES: 15 (including cover)

OUR REF. NO.: 106.48

RE: Application Serial No. 09/412,404

COMMENTS: These were previously submitted without a supporting declaration on February 14, 2006/ They are supportive evidence for the Response filed on January 17, 2006, which was resubmitted on January 31, 2006. Please consider them in connection with the response.

Hard Copy To Follow: ☐ Yes ☒ No

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PATENT
Attorney Docket No. 106.48

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	Group Art Unit: 2165
KAPLAN, Joshua D.)	
)	Examiner: FADOK, Mark A.
Serial No. 09/412,404)	
)	DECLARATION OF MICHAEL E.
Filed: October 5, 1999)	DERGOSITS UNDER RULE 1.132
)	
For: NETWORK APPARATUS AND)	CERTIFICATION OF FACSIMILE TRANSMISSION
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MUSIC PRODUCTS AND COMP-)	571-273-8300 and directed to Examiner Fadok at the U.S.
ILATION OF MARKET DATA)	Patent and Trademark office on this date: <u>April 6, 2006</u>

By: Michael E. Dergosits

Michael E. Dergosits

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

Michael E. Dergosits, attorney of record in the above-referenced patent application, hereby makes the following declaration under 37 C.F.R. § 1.132:

1. Attached as Exhibit A is a true and correct copy of an article that was published in the *International Herald Tribune* on February 6, 1995. The relevant portion is bracketed and marked with asterisks.
2. Attached as Exhibit B is a true and correct copy of an articles that appeared on the *Wall Street Journal Online* on July 15, 2002. The relevant portions are bracketed and marked with asterisks.
3. Attached as Exhibit C is an article from the *St. Peterburg Times* from February 8, 1995. The relevant

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portions of this article is bracketed and marked with asterisks.

Respectfully submitted,
DERGOSITS & NOAH LLP

Dated: April 6, 2006

By: Michael E. Dergosits
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